

AMENDED IN ASSEMBLY APRIL 29, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1517

**Introduced by Assembly Member Bill Berryhill
(Principal coauthor: Assembly Member Buchanan)**

February 27, 2009

An act to add Section 56510 to the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1517, as amended, Bill Berryhill. Special education: alternative dispute resolution programs.

Existing law prescribes the procedure for filing a complaint with the State Department of Education to allege a violation of state or federal law regarding the provision of special education instruction and services, for conducting a voluntary prehearing mediation conference, and for conducting a due process hearing to resolve the dispute. Existing law declares the intent of the Legislature that parties to special education disputes be encouraged to seek resolution through mediation prior to filing a request for a due process hearing.

This bill, subject to an appropriation in the annual Budget Act or other statute, would require the department to establish and administer a statewide program of grant funding to establish alternative dispute resolution programs for special education that include specified components. *The bill would require that these funds first be apportioned to special education local plan areas (SELPA) that received grant funds during the 2009–10 fiscal year for purposes of implementing*

alternative dispute resolution programs before they are apportioned to SELPAs that did not receive that grant funds during the 2009–10 fiscal year. The bill would require the Superintendent of Public Instruction, by July 1, 2010, to submit to the Legislature a summary report that includes, but is not limited to, specified information and data from SELPAs that received grant funds for purposes of implementing alternative dispute resolution programs.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature in enacting this
2 act to do all of the following:
- 3 (a) Establish new options for alternative dispute resolution at
4 the local level through coordination by the system of special
5 education local plan areas (SELPAs) or the collaboration of
6 multiple SELPAs.
- 7 (b) Ensure that the new options for alternative dispute resolution
8 do not interfere with the right of a parent under state and federal
9 law to pursue other options at the state level, but work in
10 conjunction with those other options to provide a greater variety
11 of options to the parent.
- 12 (c) Establish a program with funding to support the development
13 and implementation of alternative dispute resolution in each
14 SELPA throughout the state.
- 15 (d) Establish a mentorship program to help guide SELPAs in
16 implementing new alternative dispute resolution programs.
- 17 SEC. 2. Section 56510 is added to the Education Code, to read:
- 18 56510. (a) Subject to an appropriation in the annual Budget
19 Act or other statute, the department shall establish and administer
20 a statewide program of grant funding to establish alternative dispute
21 resolution programs for special education that include all of the
22 following:
- 23 ~~(a)~~
- 24 (1) An advisory board that includes representatives from local
25 alternative dispute resolution programs to ensure ongoing
26 communication.
- 27 ~~(b)~~

1 (2) An annual statewide conference for all of the implementers
2 of alternative dispute resolution programs.

3 ~~(e)~~

4 (3) Criteria for awarding grants, funding, data collection, and
5 evaluating alternative dispute resolution programs.

6 ~~(d)~~

7 (4) The selection of recipients and allocation of funding.

8 ~~(e)~~

9 (5) The selection of individuals to serve as mentors to support
10 implementers.

11 *(b) The funds described in subdivision (a) shall first be*
12 *apportioned to special education local plan areas (SELPAs) that*
13 *received grant funds during the 2009–10 fiscal year pursuant to*
14 *Provision 4 of Item 6110-161-0890 of Section 2.00 of the Budget*
15 *Act of 2009 before they are apportioned to SELPAs that did not*
16 *receive grant funds pursuant to that provision during the 2009–10*
17 *fiscal year.*

18 *(c) By July 1, 2010, the Superintendent shall submit to the*
19 *Legislature a summary report that includes, but is not limited to,*
20 *all of the following information and data from SELPAs that have*
21 *received grant funds pursuant to Provision 4 of Item*
22 *6110-161-0890 of Section 2.00 of the annual Budget Act:*

23 *(1) Alternative dispute resolution strategies that are being*
24 *implemented by grantees.*

25 *(2) The number of individuals who have received training on*
26 *alternative dispute resolution using grant funds.*

27 *(3) Alternative dispute resolution strategies that have been*
28 *implemented by grantees and have demonstrated effectiveness.*